

## REMARKS

### I. Summary of Office Action

Claims 1, 2, 5-7, 10-17, 24-30, 33-35, 38-45, and 52-68 were pending in the above-identified patent application.

Claims 1, 29, 59-62, 64-67 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 59 and 64 were objected to because of certain informalities.

Claims 1, 2, 5, 7, 10-12, 24-30, 33, 35, 38-41, 43, 44, and 52-68 were rejected under 35 U.S.C. § 103(a) as being obvious over Agnihotri et al. U.S. Patent No. 6,771,885 ("Agnihotri") in view of Inoue et al. U.S. Patent No. 6,185,360 ("Inoue") and Herald et al. U.S. Patent No. 3,594,778 ("Herald").

Claims 13, 14, 16, 17, 42 and 45 were rejected under 35 U.S.C. § 103(a) as being obvious over Agnihotri in view of Inoue and Hoffberg et al. U.S. Patent No. 7,242,988 ("Hoffberg").

### II. Summary of Applicants' Reply

Applicants have amended claims 1, 2, 6, 7, 11, 24-30, 34, 35, 39, 52-61, 62, 63-66, 67, 68 and added new claims 69-72 to more particularly define the claimed invention. The claim amendments and the new claims are fully supported by the application as originally filed and therefore add no new matter. See e.g., applicants' specification at FIG. 8 and FIG. 14A and paragraph 65, 75 and 81. The Examiner's rejection is respectfully traversed.

### III. Applicants' Reply

#### a. 35 U.S.C. § 112 Rejection

The Examiner rejected claims 1, 29, 59-62 and 64-67 as failing to comply with 35 U.S.C. § 112, first paragraph, written description requirement. In particular, the Examiner alleged that claims 1, 29, 59-62 and 64-67 contain limitations outside of applicants' specification.

Applicants have amended claims 1, 29, 59, 60, 64 and 65 to more particularly define the claimed invention. The claim amendments are fully supported by the specification as originally filed at least in FIG. 14A and paragraph 81. Therefore, claims 1, 29, 59, 60, 64 and 65 do not fail to comply with the written description requirement.

Applicants have amended claims 61, 62, 66, 67 to more particularly define the claimed invention. The amended claims recite "programs associated with a particular broadcast time interval." Applicants respectfully submit that applicants' specification as filed supports the amended claims and thus the claims 61, 62, 66, 67 do not fail to comply with the written description requirement. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient"). In the instant case, the specifications disclose that information may be provided to the

user pertaining to start times and end times of the program, i.e., a broadcast time interval (paragraphs 64 and 69). It is well known in the art that programs are associated with a particular broadcast time interval, or "nominal start and end times ... that are published in advance" (Paragraph 64). The description in the specification need not be in *ipsis verbis* to satisfy the written description requirement of Section 112 in this situation, where a skilled artisan would have understood the applicants to be in possession of the invention at the time of filing.

For at least the foregoing reasons, applicants respectfully request that the rejection of claims 1, 29, 59-62 and 64-67 be withdrawn.

b. Objections to Claims 59 and 64

The Examiner objected to claims 59 and 64 because the claim referred to previous programs that are scheduled to be broadcast at the same time and channel as the selected program; but if the program is being broadcast on the same time and channel, it would be the same exact program.

Applicants amended the claims to refer to previous programs that were, instead of are, scheduled to be broadcast on the same channel as the first program, indicating that these previous programs were scheduled to be broadcast in the past. Since a previous program was scheduled to be broadcast in the past, it cannot be the same exact program as the first program. For at least this reason, applicants respectfully request that the objection to claims 59 and 64 be withdrawn.

c. 35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1, 2, 5, 7, 10-12, 24-30, 33, 35, 38-41, 43, 44, and 52-68 under 35 U.S.C. § 103(a) as being obvious over Agnihotri in view of Inoue and Herald. Claims 13, 14, 16, 17, 42 and 45 were rejected under 35 U.S.C. § 103(a) as being obvious over Agnihotri in view of Inoue and Hoffberg. Applicants respectfully traverse the Examiner's rejection.

Applicants' claimed invention, as defined by amended independent claims 1 and 29, is directed to predicting by the user equipment a first time change associated with a first program selected for recording by retrieving from memory a second time change associated with a second program.

Agnihotri discusses generating signatures to determine a start time and an end time of a program (Abstract, col. 2, lines 24-28). For example, a signature is generated based on keyframe similarity, and the system continues recording a selected program as long as keyframes remain sufficiently similar to other recently-extracted keyframes (Agnihotri, col. 4, lines 23-34). Alternatively, a color histogram is generated associated with a program selected to be recorded, and the system continues recording beyond a preset time period if the color histogram indicates that the program is continued beyond the preset period (Agnihotri, col. 5, lines 16-34). In each case, the system in Agnihotri does not predict a time change associated with the selected program, as the Examiner alleges (Office Action, page 4). Instead, the system in Agnihotri monitors the program currently being recorded for certain characteristics and continues the recording if those characteristics are continued to be exhibited by the program.

Additionally, even if that determination were "predicting", Agnihotri would still fail to show or suggest predicting the change by retrieving from memory a second time change associated with a second program, as required by applicants' claims 1 and 29. This is because only the current program being recorded is monitored in Agnihotri.

The Examiner admits that Agnihotri fails to disclose a system wherein the time change is based on time changes for previous programs related to the program and uses Inoue to make up for the deficiency in Agnihotri. Inoue discusses a system that detects and resolves recording conflicts based on additional information of programs scheduled for recording (col. 8, lines 40-59 and col. 9, lines 15-26). For example, as shown in FIG. 6A and 6B, recording of "Baseball: ABC vs. XYZ" may be extended when the system receives additional information that the broadcasting time is extended by 20 minutes (FIG. 6A and 6B, col. 8, lines 32-40). The system then determines whether to extend the recording of the program if the extended program overlaps with other programs selected for recording (Col. 9, lines 1-35). Inoue thus focuses on the additional information for the currently recorded program, e.g. Baseball, to determine if there is a time change. It does not make a time change determination for the selected program by retrieving from memory a second time change associated with a second program, as required by applicants' claims 1 and 29. The Examiner points to FIG. 6A and 6B to show that Inoue teaches this limitation. However, Inoue does not teach a time change, or a time change based on retrieving information from memory for the movie "Jurassic Land." Instead, the figure is

showing that the program "Jurassic Land" is cut off to make room for recording the extended Baseball program.

Herald does not make up for the deficiencies of Agnihotri and Inoue relative to the rejection. Thus, Agnihotri, Inoue and Herald, whether taken alone or in combination fail to show or suggest all the features of applicants' claims 1 and 29. Accordingly, applicants respectfully submit that claims 1 and 29, and claims 2, 5, 7, 10-12, 24-30, 33, 35, 38-41, 43, 44, and 52-68, which, directly or indirectly, depend from claim 1 or 29, are allowable over the prior art of record.

Hoffberg does not make up for the deficiencies of Agnihotri and Inoue. Accordingly, applicants respectfully submit that claims 13, 14, 16, 17, 42 and 45, which directly or indirectly depend from claim 1 or 29 are allowable over the prior art of record. For at least this reason, applicants respectfully submit that the 103 rejections of claims 1, 2, 5, 7, 10-14, 16, 17, 24-30, 33, 35, 38-42, 43-45, and 52-68 be withdrawn.

#### IV. New Claims

Applicants have added new claims 69-72 to more particularly define the claimed invention. Applicants respectfully submit that new claims 69-72 are allowable over the prior art of record at least because new claims 69-72 depend variously on allowable claims 1 and 29.

V. Conclusion

For the reasons set forth above, this application is in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

Respectfully submitted,

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